

REMARKS

The office action of November 10, 2004, has been carefully considered.

It is noted that claims 1-5 are rejected under 35 U.S.C. 102(b) (sic) over the patent to Leisinger et al. '648 in view of the patent to Leisinger et al. '600.

Claim 6 is rejected under 35 U.S.C. 103(a) over Leisinger et al. in view of the patent to Philipp et al.

Finally, it is noted that claim 7 is allowed.

In view of the Examiner's rejections of the claims, applicant has amended claims 1 and 6, and added new dependent claims 8-10.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, all the references have been discussed in detail in previously filed amendments and those

comments are incorporated herein by reference. Additional comments are provided as follows.

Independent claim 1 recites, as amended, an air duct that has an upper shell that forms only an upper wall of the air duct. Neither of the Leisinger et al. references discloses an air duct having an upper shell that forms only an upper wall of the air duct. In Leisinger et al. '648 the air duct 43 has a first section that has its entire circumference (i.e. upper and lower walls) formed in the upper portion of the housing, not merely the upper wall as in the presently claimed invention. Leisinger et al. '600 also do not disclose or teach an upper shell which forms only an upper wall of the air duct, as in the presently claimed invention. Applicant is not sure if the Examiner's rejection is under 102(b) or 103(a), but applicant assumes it is a rejection under 35 U.S.C. 103(a) since the references are combined by the Examiner in rejecting the claims. In any event, since neither of the references teaches nor discloses an upper shell which forms only an upper wall of the air duct, their combination also does not teach such a construction.

In view of these considerations it is respectfully submitted that the rejection of claims 1-5 under 35 U.S.C. 102(b) or 35

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U.S.C. 103(a) over the above-discussed references is overcome and should be withdrawn.

The patent to Philipp et al. discloses a dryer with a precision balance. The Examiner combined Philipp et al. with Leisinger et al. in determining that claim 6 would be unpatentable over such a combination. Applicant respectfully submits that neither of these references, nor their combination, teach a measuring instrument having an air duct that comprises an upper shell mounted on top of the instrument housing so as to form only an upper wall of the air duct that closes off the air duct from above; wherein the upper shell is hinged to a rear portion of the instrument housing, thereby allowing the upper shell to be tilted about a horizontal axis, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claim 6 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

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Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on February 10, 2005.

By:



Friedrich Kueffner

Date: February 10, 2005